

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DANIEL W. RANNELS,

Plaintiff,

v.

SMITH, et al.,

Defendants.

Case No. 1:21-cv-00049-KES-SKO (PC)

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS TO DISMISS
DEFENDANTS PUYAGOYA AND
SOMMERS**

(Doc. 43)

Plaintiff Daniel W. Rannels is proceeding pro se in this civil rights action brought pursuant to 42 U.S.C. § 1983. This matter was referred to a United States magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On February 27, 2024, the assigned magistrate judge issued an order to show cause why Defendants Puyagoya and Sommers should not be dismissed for failure to serve. Doc. 38. On March 14, 2024, Plaintiff filed a notice of his intent to dismiss Defendants Puyagoya and Sommers from this action. Doc. 41. On March 18, 2024, the assigned magistrate judge issued findings and recommendations, recommending this action proceed only on Plaintiff's Eighth Amendment deliberate indifference to serious medical needs claims against Defendants Smith and Tortrice, and that Defendants Puyagoya and Sommers be dismissed from the action without prejudice. Doc. 43. The findings and recommendations were served on Plaintiff and provided him 14 days to file objections. *Id.* at 3. No objections have been filed and the time to do so has

1 passed. *See* docket.

2 In accordance with 28 U.S.C. § 636(b)(1), the Court has conducted a *de novo* review of
3 this case. Having carefully reviewed the file, the Court finds the findings and recommendations
4 are supported by the record and proper analysis.

5 Accordingly, it is ORDERED:

- 6 1. The findings and recommendations issued on March 18, 2024, Doc. 43, are
7 ADOPTED IN FULL.
- 8 2. This action PROCEEDS *only* on Plaintiff's Eighth Amendment deliberate
9 indifference to serious medical needs claims against Defendants Smith and Tortrice.
- 10 3. Defendants Puyagoya and Sommers are DISMISSED without prejudice from this
11 action.
- 12 4. This matter is referred back to the assigned magistrate judge for further proceedings.

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15 IT IS SO ORDERED.

16 Dated: April 25, 2024


UNITED STATES DISTRICT JUDGE